

ORIGINAL

FILED

March 17 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

No. DA 09-0470

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JAMES LEON ALLEN,

Defendant and Appellant.

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Joslyn Hunt, Chief Appellate Defender, and respectfully requests an extension of time until April 21, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 17th day of March, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: *Joslyn Hunt*
JOSLYN HUNT
Chief Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

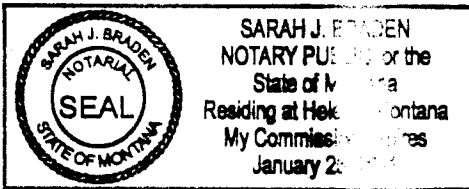
1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.
2. In my capacity as Chief Appellate Defender, I have assigned Assistant Appellate Defender, Sarah Chase Rosario y Naber, to handle the above-entitled matter.
3. The Appellant's opening brief was first due on January 6, 2010. The brief is presently due on March 22, 2010.
4. Ms. Naber has been reviewing the case file and transcripts for Appellant's case, as well as researching potential issues for Appellant's opening brief. Ms. Naber needs an additional 30 days within which to draft Appellant's brief, given that she has complicated family matters she is attending to. Due to these family matters, Ms. Naber cannot meet the present deadline for filing the Appellant's brief.

5. Ms. Naber will continue to work diligently on this appeal.
6. Opposing counsel has been contacted concerning this motion and does not object.
7. Further your affiant sayeth naught.

Joslyn Hunt
Josllyn Hunt

SUBSCRIBED AND SWORN to before me this 1st day of March,
2010.

Sarah J. Braden
Sarah J. Braden



CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

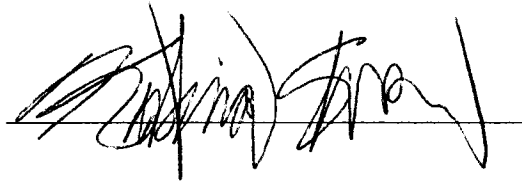
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JAMES ALLEN
P.O. Box 1833
East Helena, MT 59635

DATED: _____

3/17/10

A handwritten signature in black ink, appearing to read "John T. Flynn", is written over a horizontal line.